

**RECEIVED
CENTRAL FAX CENTER**

JUN 22 2005

SCHERING-PLOUGH CORPORATION
LAW DEPARTMENT
2000 GALLOPING HILL ROAD
K-6-1, MAIL STOP
KENILWORTH, NEW JERSEY 07033
(908) 298-4000

FACSIMILE TRANSMITTAL SHEET

To
USPTO

FAX NUMBER:
703-872-9306

FROM:
Robert J. Lipka

PHONE NUMBER:
908-298-2960

TOTAL NO. OF PAGES INCLUDING COVER

DATE

3

June 22, 2005

CONFIDENTIALITY NOTE: This sheet and/or the document(s) accompanying it contain information belonging to Schering-Plough Corporation and/or its affiliates which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named above. If you have received this fax in error, please immediately notify us by telephone. If there is a problem with this transmission please call Pia Paras-Sanjurjo at 908-298-3955.

PLEASE HAND DELIVER

In re Application of US Patent Application No. 10/763,143
For Patent For: "USE OF MOMETASONE FUROATE FOR TREATING AIRWAY
PASSAGES AND LUNG DISEASES"
Filing Date: January 22, 2004
Our Ref.: AL0425KQ9
Applicant: Sequeira, et.al.

Transmitted herewith are:

- Fax Cover Sheet – 1 page
- Transmittal Form – 1 page
- Communication/Response – 1 page

PHONE: (908)298-3955

FAX: (908)298-5388

Express Mail Label No.

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. CMB 0851-0031
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|---|----------------------|------------------------|-----------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/763,143 | |
| | Filing Date | 01/22/2004 | |
| | First Named Inventor | SEQUEIRA, Joel A | |
| | Art Unit | 1816 | |
| | Examiner Name | Clardy | |
| Total Number of Pages in This Submission | 3 | Attorney Docket Number | AL0425KQ9 |

| ENCLOSURES (Check all that apply) | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.63 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <p style="text-align: center;">Fax Cover Sheet - 1 Page</p> |
| Remarks | | |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
| Firm Name | Schering-Plough Corporation | |
| Signature | <i>Robert J. Lipka</i> | |
| Printed name | ROBERT J. LIPKA | |
| Date | June 22, 2005 | Reg. No. 42,807 |

| CERTIFICATE OF TRANSMISSION/MAILING | |
|---|------------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: | |
| Signature | <i>Robert J. Lipka</i> |
| Typed or printed name | Robert J. Lipka |
| Date | June 22, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sequeira et al.

Serial No.: 10/763,143

Filed: 1/22/04

For: USE OF MOMETASONE
FUROATE FOR TREATING
AIRWAY PASSAGES AND LUNG
DISEASES

Examiner: Clardy

Art Unit: 1616

RECEIVED
CENTRAL FAX CENTER

JUN 22 2005

Commissioner for Patents,
P.O. Box 1450
Alexandria, Virginia 22313-1450Communication

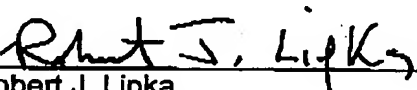
Sir:

In response to the notice of Allowance mailed 5/5/05, applicants respectfully submit the following remarks. The Office indicated that applicants were entitled to 14 days of patent term adjustment. As applicants filed a terminal disclaimer, applicants respectfully submit that the patent term adjustment is incorrect. Applicants do not comment on whether the actual determination of 14 days by the Commissioner is correct or incorrect.

Date: 6/22/05

Respectfully submitted,

By:


Robert J. Lipka
Registration No. 42,807
SCHERING-PLOUGH CORPORATION
2000 Galloping Hill Road
Kenilworth, New Jersey 07033
(908) 298-505